

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MATTHEW R. LINDNER, individually; as)	CASE NO.: 2:10-cv-00051-RFB-VCF
surviving spouse and legal heir of ELSY LETICIA)	
GRANADOS-MARTINEZ, deceased; as)	
surviving parent and legal heir of CAMILA)	
LYNETE LINDNER, a deceased minor; and as)	
Guardian Ad Litem of PAULINA GRANADOS-)	
MARTINEZ, a minor; FERNANDO)	
GRANADOS-MAGALLON, individually and as)	
surviving spouse and legal heir of REFUGIO)	
LETICIA MARTINEZ COSIO,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
FORD MOTOR COMPANY, a Delaware)	
corporation; BERTHA MEZA d/b/a OROZCO)	
AUTO SALES; EVENFLO COMPANY, INC., a)	
Delaware corporation; BIG LOTS STORES, INC.,)	
an Ohio corporation; DOES I through XX,)	
inclusive and ROE BUSINESS ENTITIES I)	
through XX, inclusive,)	
)	
Defendants.)	

PLAINTIFFS' ADDITIONAL PROPOSED JURY INSTRUCTIONS

1 Federal Motor Vehicle Safety Standards are minimum standards. Compliance with a motor vehicle
2 safety standard does not mean that a product is not unreasonably dangerous or defective, not does
3 compliance with a motor vehicle safety standard by a product manufacturer exempt it from
4 liability.
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27 Authority: The first sentence is based on *O'Hara v. GMC*, 508 F.3d 753, 761 (5th Cir. 2007). The
28 second sentence is based on the Savings Clause of the Safety Act, 49 U.S.C. § 30103(e).

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2 A product is defective in its design if, as a result of its design, the product is unreasonably
3 dangerous.

4 A product is unreasonably dangerous if it failed to perform in the manner reasonably to be expected
5 in light of its nature and intended function, and was more dangerous than would be contemplated by
6 the ordinary user having the ordinary knowledge available in the community.

7 A plaintiff need not produce direct evidence of a specific product defect or negate any alternative
8 causes of the accident. An unexpected, dangerous malfunction suffices.

9 Misuse of a product means a use which the defendant could not reasonably foresee. The mere fact
10 that the defendant may not intend the product to be used in a certain way does not mean that using it
11 in that way is a legal misuse of the product. If the defendant should reasonably foresee that the
12 product may be used in a way other than intended by him, such other use is not a misuse.
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27 Authority: The authority for each part of this is set out in our other brief being filed today.
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1 It is not a defense to liability for a defective product that the plaintiff was negligent or that the
2 plaintiff's negligence contributed to cause damages or injuries you find were proximately caused by
3 a defective product. You may not consider the negligence, if any, of Matthew Lindner when
4 determining your verdict in this case.
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CERTIFICATE OF SERVICE

I hereby certify that service of the foregoing **PLAINTIFFS' PROPOSED ADDITIONAL JURY INSTRUCTIONS** was made this date by electronic service to the following:

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DATED this 5th day of October, 2015.

/s/ Amy L. Sulanke
An employee of BENSON & BINGHAM